

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Criminal Misc. No. 2197-M of 1998

Date of decision: 3rd July, 2008

Jagdish Chand

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA

Present: Mr. M.S.Kohli, Advocate for the petitioner.

Mr. Mehardeep Singh, Assistant Advocate General Punjab for
the State.

KANWALJIT SINGH AHLUWALIA, J. (ORAL)

In the present case, it has been submitted by learned counsel for the State that report under Section 173 Cr.P.C. was submitted on 16th September, 1998.

I have heard learned counsel for the petitioner. Disputed questions of fact are involved in the present case, which cannot be gone into in proceedings under Section 482 Cr.P.C. At this stage, counsel for the petitioner submits that he may be allowed to withdraw the present petition to raise all arguments before the trial Court at the time of framing of charge. Counsel for the petitioner is sanguine that even from the challan submitted, no offence is made out and he will be discharged.

Since the present petition was filed in year 1998 and proceedings in the FIR emanated in year 1997, taking into consideration

long pendency of the case, it will be just and appropriate in case the personal appearance of the accused before the trial Court is exempted. Accordingly, it is ordered that the personal appearance of the accused shall remain exempted before the trial Court, subject to his filing an undertaking that he shall cause his appearance as and when required by the trial Court. He shall also file an undertaking that the evidence, if any, recorded in his absence but in the presence of his counsel, shall be binding upon him. The trial Court may incorporate any other conditions in the undertaking to be submitted by the accused.

With these observations, present petition is disposed off.

[KANWALJIT SINGH AHLUWALIA]
JUDGE

July 3, 2008
rps